

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

SOCIAL WELFARE DEPARTMENT – Allegations against Smt. M. Shambhavi, Deputy Director (Social Welfare) dismissed from service – Orders issued – OA No. 1164 of 2003 is filed against the dismissal orders of Government – Judgment delivered setting aside the dismissal order – Writ Appeal No.20506 of 2011 dismissed – SLP filed against the dismissal of WP – Implementation of Judgment in the OA NO. 1164 of 2003 Dated.29-09-2006 - Orders issued.

(SOCIAL WELFARE (SER.III.2) DEAPRTMENT)

GO.Ms.No. 10

Dated: 28-03-2012.

Read the Following:-

1. GO.Ms.No.12, Social Welfare Department, Dated:15.02.2003.
2. Judgment in OA No. 1164 of 2003 Dated:29.09.2006.
3. CA No. 156 of 2011 in the OA NO. 1164 of 2003.
4. Judgment in W P No. 20506 against the judgment in OA No.1164 of 2003, Dated:08.12.2011.
5. SLP filed against the dismissal orders of Honourable High Court of Andhra Pradesh in WP NO. 20506.

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ORDER :-

In the reference first read above, Smt. M. Shambhavi, Deputy Director (Social Welfare) Hyderabad had been dismissed from service consequent on leveling serious allegations of misappropriation of Government funds and also consequent on registration of a criminal case against the individual along with some other employees in Cr. No. 134/2002.

2. Aggrieved by the dismissal orders of the Government in the reference first read above, Smt. M. Shambhavi has filed OA no. 1164 of 2003 in the Honourable Andhra Pradesh Administrative Tribunal, Hyderabad.

3. While the OA being pending in the Honourable Andhra Pradesh Administrative Tribunal, Hyderabad Smt. M. Shambhavi, Deputy Director(Social Welfare) Dismissed died on 05-12-2005 and consequent on death of the individual, the Honourable Tribunal while finally disposing the OA has made the following orders:

“ having regard to the facts and circumstances obtaining in this case, the impugned order in GO.Ms.No.12 dated:15-2-2003 is set aside. As the applicant since expired, the consequential benefits arising out of setting aside the order of dismissal shall be extended to the legal heirs of the applicant who have come on record.”

4. Government preferred Writ Appeal against the above judgment of Honourable Tribunal dated:08-12-2011 and filed WP NO. 20506 of 2011 seeking stay on the operation of the judgment but the stay was not granted, the legal representatives of the individual have filed Contempt Application in the reference 3rd read above for non-implementation of the judgment in the said OA.

5. In the meanwhile, the Honourable High court of Andhra Pradesh has dismissed the WP at the stage of admission but in the circumstances without costs, stating that there is no justification to interfere with the impeccable order of the Tribunal dated:29-09-2006 in OA NO.1164 of 2003 as the writ Petition is devoid of merits.

6. Consequent on dismissal of the said WP against the said Judgment in the OA, Government have filed Special Leave Petition in the Honourable Supreme Court of India and the same was also dismissed.

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7. Government, after careful examination of the subject have decided to implement the judgment in the OA No. 1164 of 2003 dated: 29-9-2006 accordingly, the pensionary benefits like pension, gratuity etc., here by released to the legal heirs of Smt. M. Shambhavi, Deputy Director.

8. The Commissioner of Social Welfare is directed to submit necessary proposals for regularization of the period of suspension prior to dismissal and period from dismissal to date of death to the Government for taking further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**J. RAYMOND PETER,
PRINCIPAL SECRETARY TO GOVERNMENT.**

To
The Commissioner of Social Welfare, A.P., Hyderabad.

Copy to :-

The Government Pleader for Social Welfare, Andhra Pradesh Administrative
Tribunal, Hyderabad.

The Accountant General, Andhra Pradesh, Hyderabad.

//FORWARDED :: BY ORDER//

SECTION OFFICER